



Image

2877

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xu Wu

Group Art Unit: 2877

Serial No.: 10/055,420

Examiner: Gordon J. Stock, Jr.

Filed: Jan. 23, 2002

Attorney Docket: 60.1377/SDR-067

Title: Optical Probes and Probe Systems for Monitoring Fluid Flow in a Well

I hereby certify that this correspondence is being deposited on this day with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

David P. Gordon

April 16, 2004

David P. Gordon

Date

Honorable Commissioner for Patents
Alexandria, VA 22313

Sir:

This is a timely reply to an Office Action dated March 16, 2004. As no claims have been added, and no extension fee is required, no fees are enclosed herewith. If any additional fee is due, please charge the fee to deposit account no. 07-1732.

ELECTION WITH TRAVERSE

The Examiner has required election among seven patentably distinct species identified in the Detailed Action. The applicant elects with traverse to prosecute Species 1 which is directed to a first embodiment of the invention comprising a cubical corner tip probe. The applicant identifies claims 1-4, 10 and 23-25 as being directed to a probe which incorporates a cubical corner tip. The applicant notes that claims 23-25 relate to Fig. 1 which can incorporate any of the probes shown in Figs. 2a-2d, 3a-3c, and 4a-4b and claim broadly a system utilizing any of those probes (claim 23), or a system utilizing a plurality of those probes (claim 25).

The applicant also notes that in making the election requirement, the Examiner has made an admission that each species is patentable over the other species. Thus, should the Examiner find art which renders one species unpatentable, that art could not be used to render the other species unpatentable unless it discloses additional information. Thus, the applicant notes that in addition to finding the rounded nature of a tip patentable over an otherwise identical but unrounded tip, the Examiner has found the taper shown in Figs. 2d, 3c, and 4b to patentably distinct.

The applicant respectfully traverses the Examiner's election requirement on the basis that the burden to the Examiner is minimal in searching and examining all of the claims, as opposed to the burden to the applicant in dividing the case into numerous

patent applications. Indeed, the Examiner has not suggested that the different embodiments fall into different arts and classifications and would need to be searched separately. Thus, the applicant respectfully requests that the Examiner reconsider the election requirement on the basis of undue burden to the applicant and agree to examine all claims together.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David P. Gordon". The signature is fluid and cursive, with the first name "David" being more prominent.

David P. Gordon
Reg. No. 29,996
Attorney for Applicant(s)

GORDON & JACOBSON, P.C.
65 Woods End Road
Stamford, CT 06905
(203) 329-1160

April 15, 2004